

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5419

IN THE MATTER OF:

Served September 25, 1998

Investigation of Unauthorized)	Case No. MP-98-53
Common Control of MALEK INVESTMENT,)	
INC., Trading as MONTGOMERY AIRPORT)	
SHUTTLE, WMATC No. 202, and MALEK)	
INVESTMENT OF VIRGINIA, INC., by)	
ASSADOLLAH MALEKZADEH)	

Under the Compact, a person controlling a carrier must obtain Commission approval to acquire the stock of another carrier that operates in the Metropolitan District.¹

On May 26, 1998, the Commission received a certificate of insurance in the name of Malek Investment of VA, Inc. The certificate lists the address of the insured as P. O. Box 8484, Gaithersburg, MD 20898-8484, the mailing address for Carrier No. 202 according to Commission records. A follow-up call made by staff to Carrier No. 202 on May 29, 1998, revealed that Malek Investment of VA, Inc., is operating as a passenger carrier inside the Metropolitan District in Virginia² and is controlled by Assadollah Malekzadeh, who according to Commission records is the sole shareholder of Carrier No. 202. Respondents were advised at that time to file an application requesting approval of common control. On August 19, 1998, staff repeated that advice in writing. To date, no application has been filed.

The Commission may investigate a person to determine whether that person has violated the Compact.³ The Commission may require the production of books, papers, correspondence, memoranda, contracts, agreements, or other records or evidence which the Commission considers relevant to the inquiry.⁴ If the Commission finds a person

¹ Compact, tit. II, art. XII, § 3(a)(iii).

² Pursuant to Commission Rule No. 22-07, the Commission takes official notice that on May 27, 1998, the Commonwealth of Virginia, Department of Motor Vehicles, issued to Malek Investment of Virginia, Inc., Certificate of Public Convenience and Necessity No. P-2643, authorizing passenger service over irregular routes in the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park, Virginia, as well as the Counties of Arlington, Fairfax, Fauquier, Loudoun, and Prince William, Virginia.

³ Compact, tit. II, art. XIII, § 1(c).

⁴ Compact, tit. II, art. XIII, § 1(e).

has violated the Compact, the Commission may issue an order compelling compliance and effecting other just and reasonable relief.⁵ A person which knowingly and willfully violates a provision of the Compact is subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for each subsequent violation.⁶ Each day of the violation counts as a separate violation.⁷

The Commission will initiate an investigation to determine whether respondents have violated the Compact.

THEREFORE, IT IS ORDERED:

1. That an investigation of respondents' operations in the Metropolitan District is hereby initiated under Article XIII, Section 1, of the Compact.

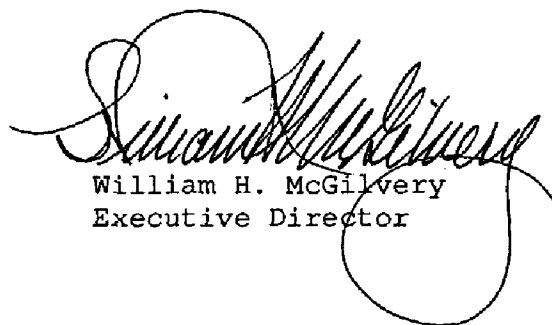
2. That respondents are hereby directed to produce within thirty days of the date of this order any and all records in their possession, custody or control relating to transportation of passengers for hire between points in the Metropolitan District during the period beginning January 1, 1998, and ending as of the date of this order.

3. That each respondent is hereby directed to file within thirty days of the date of this order a list of its officers, directors and shareholders.

4. That each respondent is hereby directed to file within thirty days of the date of this order a list of its revenue vehicles.

5. That respondent Malek Investment of Virginia, Inc., is hereby directed to file within thirty days of the date of this order a copy of its articles of incorporation, a certificate of incorporation issued by the Virginia State Corporation Commission, and a copy of its tariff on file with the Virginia Department of Motor Vehicles.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:



William H. McGilvery
Executive Director

² Compact, tit. II, art. XIII, § 1(e).

⁶ Compact, tit. II, art. XIII, § 6(f).

⁷ Compact, tit. II, art. XIII, § 6(f).